

**DETAILED PROJECT REPORT AND
DRAFT ENVIRONMENTAL ASSESSMENT
WATAUGA SECTION 206 AQUATIC ECOSYSTEM
RESTORATION PROJECT
TOWN OF BOONE, NORTH CAROLINA**

**APPENDIX D
Real Estate Report**

**U.S. ARMY ENGINEER DISTRICT, HUNTINGTON
CORPS OF ENGINEERS
HUNTINGTON, WEST VIRGINIA**

May 2008

LAND REQUIRED FOR
SECTION 206 WATAUGA AQUATIC RESTORATION PROJECT
SOUTH FORK NEW RIVER
BOONE, NORTH CAROLINA
REAL ESTATE PLAN

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REAL ESTATE PLAN
FOR THE LAND REQUIRED FOR
SECTION 206 WATAUGA AQUATIC RESTORATION PROJECT
BOONE, NORTH CAROLINA

1. **Report:** This Real Estate Plan (REP) is being submitted in accordance with Chapter 12 of ER 405-1-12. This REP is to be considered tentative in nature and for planning purposes only. Both the final real property acquisition line and the estimate of cost are subject to change, even after the approval of this report.

2. **Project Authorization:** Section 206 of the Water Resources Development Act of 1996, Public Law 104-303, provides programmatic authority for the Corps of Engineers to undertake cost effective ecosystem restorations that are limited in cost and meet certain criteria. Under Section 206, Aquatic Restoration Project, a stream restoration project has been proposed in the Town of Boone, North Carolina, along a section of the South Fork of the New River. This project will restore ecosystem functions that are currently lost or degraded along this reach of the river. This area has been modified by deforestation and urban development. The restoration would produce wetland and riparian habitat of significantly higher quality.

3. **General Description:** This restoration project is located along the South Fork of the New River in the Town of Boone, Watauga County, North Carolina. The proposed restoration work is adjacent to the recreation property of Appalachian State University. This report covers the land necessary to facilitate the environmental restoration measures to restore degraded ecosystem structure and functions along approximately 3,730 feet of the river to a less degraded more natural condition. Construction of the proposed project will result in numerous improvements to in-stream aquatic habitat. These improvements include the development and expansion of a riparian corridor, the prevention of eroding stream banks using overbank plantings, bank protection using woody material, and the construction of bend way weirs. In addition, new wetland areas will be created, an established wetland will be rehabilitated, and areas adjacent to the river which are currently over grown with invasive plants will be replanted with native species.

4. **Project Sponsor:** The Town of Boone will be the Non-Federal sponsor for the project. It is proposed to enter into a Project Cooperation Agreement (PCA) with the Town to implement the project. The sponsor will provide all lands, easements, rights-of-way, and necessary relocations for the project.

5. **Government or Sponsor Owned Land:** All of the restoration work will be accomplished on land owned in fee by the State of North Carolina, with the exception of a small tract of land owned by the non-Federal sponsor. None of the land required for the reclamation project is located on Government-owned land.

6. **General Attitude Toward Project:** The attitude of the landowner, local residents and State agencies toward the project has been supportive.

7. **Facilities, Utilities and Cemeteries to be Relocated:** There are no known facilities, utilities, cemeteries or towns affected by this plan. The proposed acquisition does require a slight relocation of a walking trail owned by the non-Federal sponsor. It will be the sponsor's responsibility to provide for the relocation of the trail under LERRD.

8. **Acquisition Criteria:** As stated above, the Town of Boone, as the sponsor, will provide all the lands required for the project. The proposed estate necessary for the restoration work is an environmental restoration easement in lieu of the standard fee estate. This easement would encompass a total of approximately 14.3 acres, located on land owned by the State of North Carolina, except a 1.25 acre area owned by the sponsor. It is requested that approval of the Environmental Restoration Easement estate be granted. A spoil site of 0.21 acre, a staging area of 0.82 acre, and a temporary access road easement of 0.19 acre are needed for the project and are also located on land owned by the State of North Carolina. A 0.09 acre tract is necessary for access from Hunting Lane to the river and is owned by the sponsor.

Mineral interests do not need to be acquired.

9. **Real Estate Estimate:** A Baseline Cost Estimate for Real Estate was prepared for the area of this report. The

estimated real estate value for this project is \$133,000. Costs include \$96,000 land value, \$13,000 administration cost and 25% contingency of \$24,000.

The estimated Federal cost to review and certify real estate is \$18,000, for a total project cost of \$151,000.

10. **Navigational Servitude:** The proposed work is not located on or near navigable waters. The issue of navigable servitude does not apply to this project.

11. **P.L. 91-646 Relocation Data:** There are no displacements under P.L. 91-646 for this proposed project.

12. **Hazardous, Toxic, or Radioactive Waste (HTRW):** A limited Phase I Hazardous, Toxic, and Radioactive Waste Investigation (HTRW) for the proposed project has been completed. No HTRW concerns are anticipated on the lands covered by this report. No further HTRW investigations are recommended for this area.

13. **National Environmental Policy Act (NEPA):** An Environmental Assessment was completed in February 2008.

14. **National Historic Preservation Act (NHPA):** In accordance with regulations, a records search and an archaeological survey of the project area have been performed. Based on this search, there are no cultural resource concerns.

15. **Sponsor Capabilities:** The Sponsor, the Town of Boone, has the legal authority and power to enter into the proposed PCA and to provide the necessary work and real estate interests needed for the project.

16. **Exhibits:** The assessment of the non-federal sponsor's capability is enclosed as Exhibit "A". Exhibit "B" is a site location map of the proposed environmental restoration project. Exhibit "C" is the contractor's work limits (CWL) map. Exhibit "D" is the proposed non-standard Environmental Restoration Easement.

17. **Recommendation:** It is requested that this REP be approved for lands and interests contained herein. Approval is also requested for the non-standard Environmental Restoration Easement in Exhibit D in lieu of the standard Fee estate.

MEMORANDUM FOR RECORD

SUBJECT: Assessment of the Real Estate Acquisition Capability of the Town of Boone, Watauga County, North Carolina, Section 206 Watauga Aquatic Restoration Project, in accordance with CERE-AP Memorandum, dated 2 May 1996, Subject: Real Estate Policy Guidance Letter No. 12 -- Capability Assessments of Potential Non-Federal Sponsors of Cost-Shared Civil Works Projects

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? (yes/~~no~~)
- b. Does the sponsor have the power of eminent domain for this project? (yes/~~no~~)
- c. Does the sponsor have "quick-take" authority for this project? (~~yes~~/no)
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? (~~yes~~/no)
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? (~~yes~~/no)

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? (~~yes~~/no)
- b. If the answer to II.a. is yes, has a reasonable plan been developed to provide such training? (~~yes/no~~) not applicable
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? (yes/~~no~~)
- d. Is the sponsor's projected in-house staffing level sufficient considering other work load, if any, and the project schedule? (yes/~~no~~)
- e. Can the sponsor obtain contractor support, if required, in a timely fashion? (yes/~~no~~)
- f. Will the sponsor likely request USACE assistance in acquiring real estate? (~~yes~~/no) (If yes, provide description)

EXHIBIT A

Assessment of the Real Estate Acquisition Capability of the Town of Boone, Watauga County, North Carolina, Section 206 Watauga Aquatic Restoration Project, in accordance with CERE-AP Memorandum, dated 2 May 1996, Subject: Real Estate Policy Guidance Letter No. 12 -- Capability Assessments of Potential Non-Federal Sponsors of Cost-Shared Civil Works Projects

III. Other Project Variables:

a. Will the sponsor's staff be located within reasonable proximity to the project site? (yes/~~no~~)

b. Has the sponsor approved the project/real estate schedule/ milestones? (yes/~~no~~)

IV. Overall Assessment:

a. Has the sponsor performed satisfactorily on other USACE projects? (yes/~~no~~/~~not applicable~~)

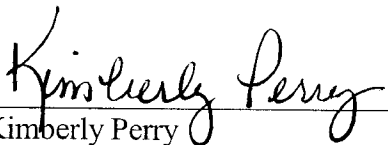
b. With regard to this project, the sponsor is anticipated to be: ~~highly capable~~/fully capable/~~moderately capable~~/~~marginally capable~~/~~insufficiently capable~~. (If sponsor is believed to be insufficiently capable, provide explanation).

V. Coordination:

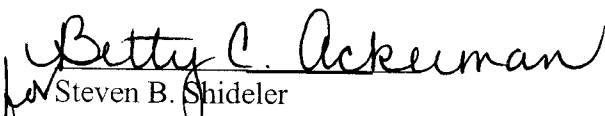
a. Has this assessment been coordinated with the sponsor? (yes/~~no~~)

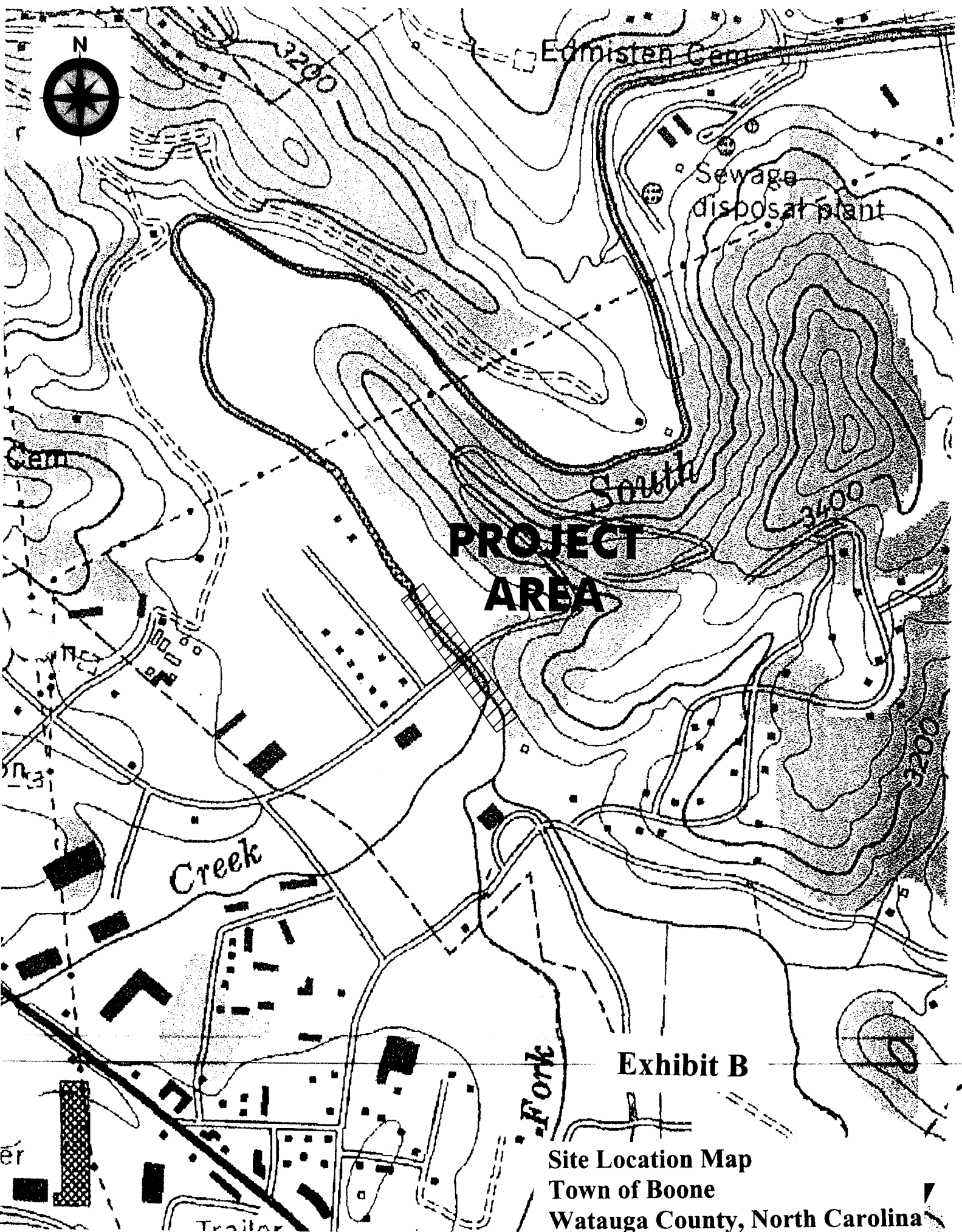
b. Does the sponsor concur with this assessment? (yes/~~no~~) (If no, provide explanation).

Prepared by:


Kimberly Perry
Assistant District Counsel
Huntington District

Reviewed and approved by:


for Steven B. Shideler
Chief, Real Estate Division



**PROJECT
AREA**

Edmister Cem

Sewage
disposal plant

Cem

Creek

Fork

Exhibit B

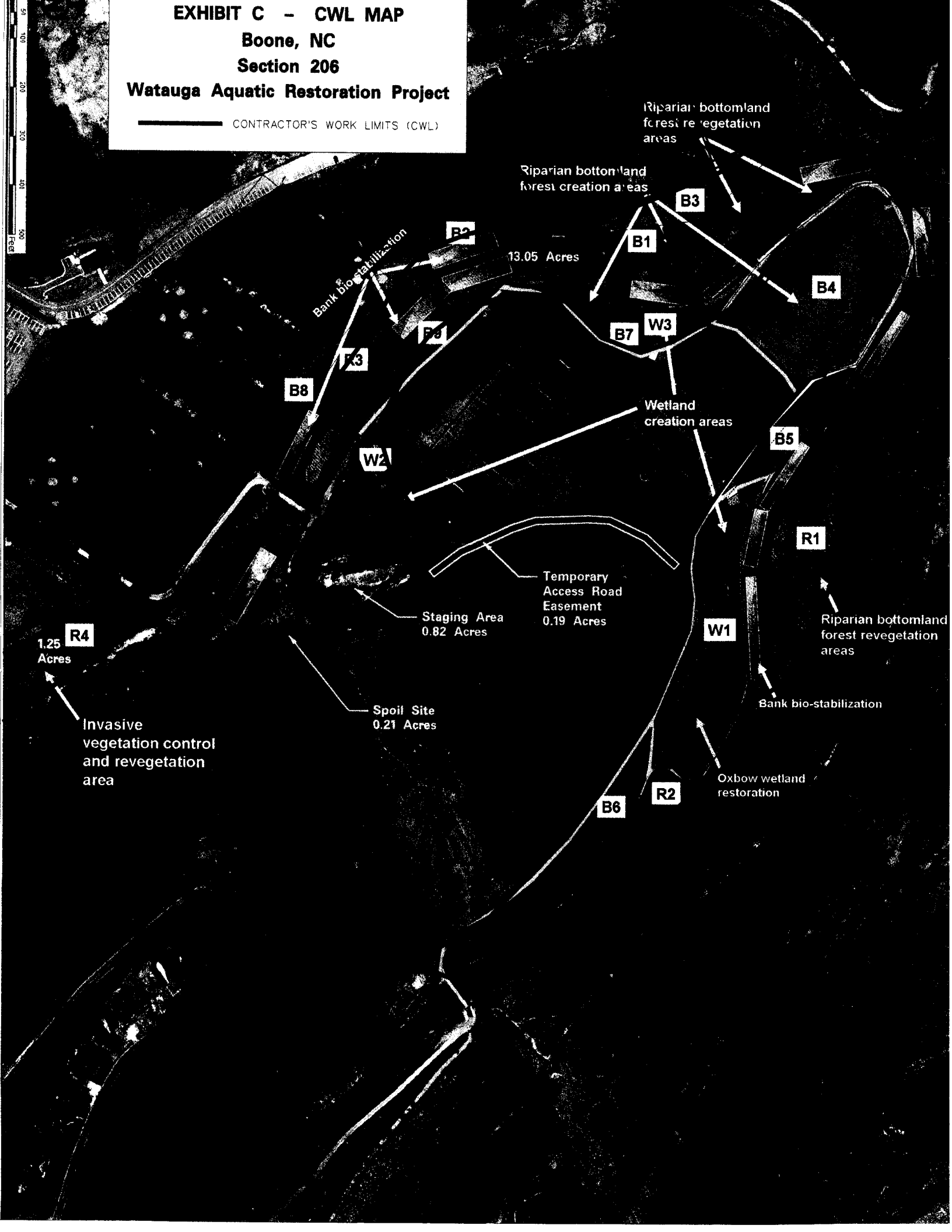
**Site Location Map
Town of Boone
Watauga County, North Carolina**

er

Trailer

EXHIBIT C - CWL MAP
Boone, NC
Section 206
Watauga Aquatic Restoration Project

CONTRACTOR'S WORK LIMITS (CWL)



LRH Proposed Estate:

ENVIRONMENTAL RESTORATION EASEMENT ESTATE

A perpetual and assignable right and easement in, on, over and across (the land described in Schedule A) (Tracts Nos. ____, ____, and ____) to construct, maintain, alter, repair, operate, patrol, rehabilitate and replace environmental restoration works including, but not limited to (channel structures, works and features) (bank stabilization structures, works and features) (fish and wildlife habitat and other environmental improvement structures, works and features) (wetlands), including, but not limited to, the right to (trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles) (remove or place stone, gravel, cobble, or boulders) (place cribwalls, rubble blankets, angle dikes, tie backs and transitions, longitudinal dikes, bank protection, and grade control structures or other structures) (plant trees, shrubs, and other vegetation) (grading or sloping of riverbanks and streambanks) and the performance of any other measures or modifications, including placement of materials or structures (in the bed or on banks of the (rivers and streams) (and on the land) to provide or improve (aquatic habitat) (terrestrial habitat); reserving, however, to the owners, theirs and assigns, all other rights and privileges which may be used without destroying, modifying or otherwise disturbing the work or improvements constructed hereunder or in any manner interfering with or abridging the rights and easement hereby conveyed and acquired (including the right to limit or restrict public access to the land) and subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

EXHIBIT D